

REMARKS

This Preliminary Amendment is submitted in association with the Request For Continued Examination attached herewith. Claims 2-15 are currently cancelled, and Claims 16-29 are currently added. Claims 1 and 16-29 are currently pending.

I. Telephone Interview on Monday, May 16, 2005

Applicant appreciates the courtesies extended by the Examiner in the telephone interview of May 16, 2005 as well as prior teleconferences during the week of May 9, 2005. In particular, Applicant appreciates the Examiner's willingness to discuss proposed amendments in light of art identified by the Examiner both formally and informally. This art includes:

US Patent No. 5,734,865 – *Yu*

US Patent No. 6,857,009 – *Ferreria*

US Patent No. 6,157,635 – *Wang*

US Patent No. 6,822,957 – *Schuster*

US Patent No. 6,430,155 – *Davie*

US Patent No. 6,862,622 – *Jorgensen*

TCP/IP Vol. 1, by Douglass Comer, 1995

It is the understanding of Applicant's below-signed legal representative that the cited art does not teach or suggest the claimed features of the newly added claims.

Docket No. FR920000008US1

Amendment B

Page 6

II. New Claims 16 et al.

With reference to exemplary Claim 16, the cited art does not teach or suggest “routing the data packet via a pre-defined default nodal pathway” if “none of the routing tables,” which include the port numbers used by either TCP or UDP, contain a pathway for the data packet having a specific protocol/port number in its header. (See page 7 of the specification for support.)

With reference to exemplary Claim 17, the cited art does not teach or suggest “in response to finding an entry in the routing table that matches the transport layer protocol and the port number used by the data packet, replacing Type of Service (TOS) bits in the data packet with TOS bits listed in the routing table as being associated with a specific transport layer protocol and port number, wherein the TOS bits characterize a desired transmission parameter for the data packet.” (See page 8, lines 13-18 of the specification for support.)

With reference to exemplary Claim 19, the cited art does not teach or suggest “setting all of the TOS bits to a default value” (such as zero) if none of the routing tables contain the nodal pathway for the protocol and port number used by the data packet. (See page 7, lines 17-22 of the specification for support.)

With reference to exemplary Claim 20, the cited art does not teach or suggest “identifying an application that is using the data packet” (such as an application for voice flow – Claim 21 or data flow – Claim 22), and “associating the application with one of the different transport layer protocols.” (See page 7, lines 26-30 of the specification for support.)

III. Conclusion

As the prior art does not teach or suggest all of the limitations of the presently claimed invention, Applicants respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0457.**

Applicant respectfully requests the Examiner contact the undersigned attorney of record at (512) 343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



James E. Boice
Registration No. 44,545
DILLON & YUDELL, LLP
P.O. Box 201720
Austin, Texas 78720-1720
(512) 343-6116
ATTORNEY FOR APPLICANTS